

Application Number 	Application/Control No. 09/967,142	Applicant(s)/Patent under Reexamination LEE ET AL.

Document Code - DISQ

Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : October 31, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	31-Oct-05	APPL. S. N.:	09967142
To Examiner:	NG, CHRISTINE	Art Unit	2663
From	Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other: [REDACTED]
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: _____ Date: _____

Log Date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/967,142

Filed: September 28, 2001

Inventor(s):

Lee et al.

Examiner: Ng, Christine Y.

Group/Art Unit: 2663

Atty. Dkt. No: 5681-81700

Title: DISCOVERY OF NODES
IN AN
INTERCONNECTION
FABRIC

I hereby certify that this correspondence is being sent via facsimile to: Facsimile No. 571-373-3124, Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

B. Noel Kivlin

Signature

October 26, 2005
DateTERMINAL DISCLAIMER TO OBLIGATE
A DOUBLE PATENTING REJECTION OVER
A PENDING SECOND APPLICATIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. SUN MICROSYSTEMS, INC. is the owner of all rights in the captioned application.

2. As sole owner in the captioned application, SUN MICROSYSTEMS, INC. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Serial No. 09/967,142 titled "MAPPING OF NODES IN AN INTERCONNECTION FABRIC" filed on September 28, 2001. SUN MICROSYSTEMS, INC. hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the

captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

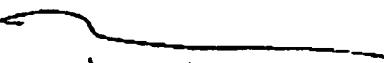
3. In making the above disclaimer, SUN MICROSYSTEMS, INC. does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

4. The undersigned is an attorney of record.

5. A Fee Authorization form for the Terminal Disclaimer fee under 37 CFR 1.20(d) is included.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzl PC Deposit Account No. 50-1505/5681-81700/BNK.

Respectfully submitted,



B. Noel Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Phone: (512) 853-8840
Date: October 26, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/967,142
Filed: September 28, 2001
Inventor(s):
Lee et al.

Examiner: Ng, Christine Y.
Group/Art Unit: 2663
Atty. Dkt. No: 5681-81700

Title: **DISCOVERY OF NODES
IN AN
INTERCONNECTION
FABRIC**

I hereby certify that this correspondence is being sent via facsimile to: Facsimile No. 571-273-3124, Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

B. Noel Kivlin

Signature

October 26, 2005

Date

FEE AUTHORIZATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Commissioner is hereby authorized to charge the following fee to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5681-81700:

Fee: Terminal Disclaimer
Amount: \$130.00
Attorney Docket No.: 5681-81700

The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number.

Respectfully submitted,

B. Noel Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

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